

Notice of Allowability

Application No.

10/008,413

Examiner

Julian Mercado

Applicant(s)

HAYASHI ET AL.

Art Unit

1745

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 4-28-06.
2. ☒ The allowed claim(s) is/are 26-32.
3. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☒ All b) ☐ Some* c) ☐ None of the:
 1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date _____
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

DETAILED ACTION

Examiner's Amendment

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Douglas Mueller on July 10, 2006.

The application has been amended as follows:

1. Claim 26 has been replaced with the following:

--26. An alkaline storage battery, comprising:

a positive electrode plate comprising a conductive support and an active material paste supported by the support, the active material paste containing nickel hydroxide and cobalt compounds, and

an alkaline electrolyte,

wherein the cobalt compounds comprise a hardly-soluble cobalt compound having a solubility of not more than 1 $\mu\text{g/g}$ in a potassium hydroxide aqueous solution with a specific gravity of 1.3,

the hardly soluble cobalt compound is obtained by at least one process selected from the group consisting of mixing a cobalt hydroxide powder and a sodium hydroxide powder, and applying a heat treatment to the same in an atmosphere containing oxygen,

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or, adding a sodium hydroxide aqueous solution and an aqueous solution containing an oxidizing agent to a cobalt hydroxide power, or, baking a cobalt hydroxide powder in an atmosphere containing oxygen at a temperature in the range of 90°C to 140°C, and

an easily-soluble cobalt compound having a solubility in a range of 100 $\mu\text{g/g}$ to 10000 $\mu\text{g/g}$ in the potassium hydroxide solution with a specific gravity of 1.3, and the easily-soluble cobalt compound is at least one selected from cobalt metal, cobalt hydroxide, cobalt monoxide, and cobalt sulfate.--

2. In claim 27 at line 2, "cobalt compounds are" has been replaced with --cobalt compound is--.
3. In claim 28 at line 2, "cobalt compounds are" has been replaced with --cobalt compound is--.
4. In claim 30 at line 2, "cobalt compounds are" has been replaced with --cobalt compound is--.

Claim Rejections - 35 USC § 102 and 103

In view of the foregoing examiner's amendment, the rejection of claims 27-33 under 35 U.S.C. 102(b) or 35 U.S.C. 103(a) based on Uramoto et al. (JP 61-183868) has been withdrawn.

Allowable Subject Matter

Claims 26-32 are allowed.

The following is an examiner's statement of reasons for allowance: the prior art of record does not teach or suggest the claimed invention regarding the claimed hardly-soluble and easily-

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soluble compounds each having the recited solubility when obtained by at least one process selected from the group consisting of mixing a cobalt hydroxide powder and a sodium hydroxide powder, and applying a heat treatment to the same in an atmosphere containing oxygen, or, adding a sodium hydroxide aqueous solution and an aqueous solution containing an oxidizing agent to a cobalt hydroxide powder, or, baking a cobalt hydroxide powder in an atmosphere containing oxygen at a temperature in the range of 90°C to 140°C. In this regard, the examiner acquiesces with applicant's assertion that "the evidence in the present specification shows that the treatments affect the nature of the material, i.e. significantly changing the solubility, and therefore are relevant to the product claims." (Appeal Brief on page 6)

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

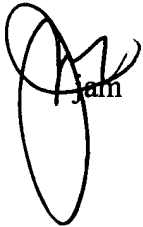
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Julian Mercado whose telephone number is (571) 272-1289. The examiner can normally be reached on Monday through Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Patrick J. Ryan, can be reached on (571) 272-1292. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0661.

A handwritten signature in black ink, appearing to be "Jain", enclosed within a large, loopy oval shape.A small, stylized handwritten signature in black ink.

PATRICK JOSEPH RYAN
SUPERVISORY PATENT EXAMINER